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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,407	03/31/2004	Luiz Cesar Zaniolo	2003P16618 US	5393

7590 11/04/2009
Elsa Keller
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Intellectual Property Department
170 Wood Avenue South
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EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2462

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11/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/814,407	Applicant(s) ZANIOLO ET AL.	
	Examiner Kevin C. Harper	Art Unit 2462	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 11-17 and 19-30 is/are rejected.
- 7) ☒ Claim(s) 6-10 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed July 6, 2009 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ronen US 6,285,660).

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2, 5, 11-13, 19-22, 24-27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Ronen (US 6,285,660).

1. Regarding claims 1 and 25, Ronen discloses a method for managing traffic on a switching system (fig. 1, item 116). The method comprises receiving a service request (fig. 6, step 1000) from an end point (item 114) by a server (item 116), where the end points and the server are connected through routers (item 102; fig. 2, items 202-208; col. 2, lines 49-51), determining by the server a system traffic level responsive to receiving the service request (fig. 6, steps 1000 and 1002), correlating the traffic with a predetermined level of available service functionality (fig. 5, step 2002; col. 9, lines 45-49; fig. 6, step 1010 or 1006), and establishing an available services list (fig. 5, step 2004; fig. 6, step 1012 or 1008). Further regarding claim 25, the method is performed by an apparatus having corresponding means (fig. 1, item 116; fig. 4).
2. Regarding claims 2, 11 and 26-27, the method further comprises determining whether the service request is one of the available services on the list (step 1004; col. 2, lines 8-17; note: offered special service), generating a service availability message for the requested service (col.

Art Unit: 2462

10, lines 15-20), and transmits the message to the requesting end point (fig. 6, steps 1006 and 1008).

3. Regarding claim 5, the traffic includes point-to-point connections (col. 3, line 61; note file transfer) and conference connections among end points (col. 4, line 11).

4. Regarding claims 12-13, the service availability message notifies the end point that the requested service is not available based on the traffic level determination (step 1012).

5. Regarding claim 19, the method further comprises the end point establishing a connection through the switching system to provide a user with the service requested (step 1018).

6. Regarding claims 20-22, 24 and 29, Ronen discloses a method of conducting traffic management on a network (fig. 1). The method comprises creating in a communication server (item 116) a current list of available system service (fig. 5, step 2002-2004; col. 9, lines 45-49), updating the list of available services based on a network traffic measurement and network performance parameters associated with system services (col. 9, lines 45-49), where the network includes routers (col. 2, lines 49-51), and selectively suppressing network device service requests received by the server (item 116) through a router based on whether the requested service corresponds to an entry on a current list of available services (col. 10, lines 3-6 and 20-24; fig. 6, steps 1000, 1010, 1020). Further regarding claim 29, the method is performed by an apparatus having corresponding means (fig. 1, item 116; fig. 4).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 2462

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ronen in view of Leong et al. (US 6,269,398).

7. Ronen discloses that the network load is periodically obtained from routers (col. 10, lines 10-14). However, Ronen does not disclose sending a router load request. Leong discloses a load request to provide router information (fig. 3a, step 304). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to send a router load request to routers in the invention of Ronen in order to provide router information as necessary (Leong, col. 1, lines 28-32).

Claims 14-17, 23, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronen in view of Choksi (US 6,978,144).

8. Regarding claims 14-17, 23, 28 and 30, Ronen discloses that traffic determination is initiated upon receipt by a service request and transmitting a message that indicates the service is available (steps 1004-1006). However, Ronen does not disclose queuing a request. Choksi discloses queuing a service request (fig. 2, item 82). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to queue service requests in the invention of Ronen in order to consider the service requests based on priority (Choksi, col. 1, lines 56-59).

Allowable Subject Matter

Claims 6-10 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 2462

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin C. Harper/

Primary Examiner, Art Unit 2462

November 1, 2009